

REMARKS

Responsive to the Official Action made final, mailed December 26, 2002, entry of this preliminary amendment prior to examination of the present CPA is requested. Applicant respectfully requests reconsideration, reexamination and allowance of claims 16 and 20-22 in view of the above-noted amendments and the following remarks.

In the Action, the Examiner rejected claims 16, 17 and 19-25 under 35 USC §112, second paragraph stating that the recitations "the first and second thicknesses being different from one another" and "about the regions of . . . than on remaining surfaces of the first and second sides therein" were vague and indefinite.

Applicant has amended claim 16 (the only remaining independent claim) to clarify and/or delete this language, and has cancelled claim 17. Applicant submits that as amended, the claims are sufficiently clear (and in comport with §112), and respectfully requests that the Examiner withdraw this basis for rejection. Should the Examiner believe that other, more suitable, language would further clarify this claim, she is respectfully requested to contact the undersigned to discuss any suggested language changes.

As to the art-based rejections, the Examiner has essentially continued her rejection of the claims over the Winkle patent, now in view of Nagasaka, U.S. Patent No. 4,901,666. The Winkle patent is discussed in detail in previous responses and amendments. Essentially, the Examiner has characterized Winkle as disclosing a corrosion-resistant coated and cured strap formed from an elongated metal strap element having a width and a thickness defining first and second sides and a pair of edge regions. This characterization continues with the melted and cured powder coating on the base element having a substantially consistent thickness at the first and second sides and at the edge regions. The Examiner further characterizes Winkle as disclosing the powder as an epoxy material and having a coating thickness of about 0.2 to 5.0 thousandths of an inch.

The Examiner concedes, however, that Winkle fails to teach the side and edge regions having different thicknesses from one another.

The Nagasaka patent has been characterized as teaching, "in the analogous art a strap with a thickness defining a pair of opposing edge regions (Fig. 10, #73 and #74; see also col. 4, lines 50-52) for the purpose of producing a strap with an electrostatic powder coating." The Examiner then concludes that it would have been obvious to one of skill in the art to have provided the metal strap of Winkle with a thickness defining a pair of opposing edge regions and the thickness at the edge regions being different than the thickness at the first and second sides as suggested by Nagasaka to produce an electrostatically coated strap.

Applicant has amended claim 16 (the sole remaining independent claim) to more clearly point out the subject matter of the invention, namely the different thicknesses at the sides than at the edges. This is simply not disclosed in either the Winkle or Nagasaka patents alone or in combination, as asserted by the Examiner. Although the Examiner asserts the obviousness of this claim by the combination of Winkle and Nagasaka, it is applicant's position that contrary to the Examiner's position, the combination of these patents in fact *teaches away* from the presently claimed invention.

Aside from the powder coating aspects, specifically, Winkle teaches nothing other than "a coating having uniform thickness on both sides of a metal strip using electrostatically charged powder." Winkle, Col. 2, lines 40-42. There is nothing that even remotely hints at a dog-bone profile as in the presently claimed invention. With respect to Nagasaka, this patent teaches coating "*one side only*" of a flat object. Nagasaka, Col. 1, lines 9-10 (emphasis added). In fact, a further reading of Nagasaka shows that it clearly teaches away from an increased edge thickness. Specifically, an object of the invention is "to prevent generation of cracks in a thickly coated portion at the end portions of the object to be coated when the flat plate object to be coated is bent during forming with the coated film thereon." Nagasaka, Col. 3, lines 33--37. Thus, Nagasaka teaches an overall uniform thickness (again, on only one side), as compared to the claimed dog-bone effect. This teaching of Nagasaka would, in applicants view, teach a flat continuously consistent coating (including at the edge regions) on one side of an object, rather than the claimed structure.

This interpretation of Nagasaka is further supported by a description of the method in

which the strap is made and the apparatus for making the strap. More to the point, Nagasaka provides that

"[b]y spacing the object to be coated from the flat plate-like conductor, the problems as shown in FIG. 10 and suffered with conventional powder coating upon a thin plate-like object can be significantly and easily overcome, ***the problem being that the thickness of the coated film becomes excessively thicker at the end portions of the object to be coated.***" Col. 4, lines 45-52 (emphasis added).

Thus, it is evident that Nagasaka teaches quite the opposite of the claimed invention. That is, Nagasaka teaches that it is desirable to obtain a consistent and even coating on the object extending all the way to the end portions, i.e., the edges, of the object, without edge build-up.

To this end, it is applicant's position that neither Winkle nor Nagasaka, alone or in any combination, teach the presently claimed invention. In fact, applicant submits that combining these patents would not have made the presently claimed invention obvious because, among other reasons, Nagasaka clearly teaches away from the claimed invention by striving for a consistent and not built-up edge as is defined by the dog-bone shaped profile presently claimed.

In conclusion, applicant respectfully and earnestly request reconsideration, reexamination and allowance of claims 16 and 20-22 in view of the following amendments and remarks.

A check in the amount of \$860.00 is enclosed herewith for the fee associated with the Continuing Prosecution Application (\$750.00) and for a one month extension of time (\$110.00) to respond to the Action of December 26, 2002. Applicant believes that there are no additional fees due in connection with the present amendment. If, however, there is a fee due, Applicant authorizes the Commissioner to charge any underpayment, or credit any overpayment, to Deposit Account No. 23-0920. A duplicate copy of this sheet is enclosed. Should any additional petitions be necessary, applicant requests that this paper constitute any such necessary petition.

Attached herewith is a paper entitled "CLAIMS MARKED-UP TO INDICATE CHANGES" and a paper entitled "CLEAN SET OF ALL PENDING CLAIMS FOLLOWING ENTRY OF THE PRESENT PRELIMINARY AMENDMENT" for the Examiner's use.

U.S. Serial No. 09/633,846
Atty. Docket No. 12368 (6365/79201)

Filed: August 7, 2000

If the examiner finds that there are any outstanding issues that may be resolved by a telephone interview, the Examiner is invited to contact the undersigned at the below listed number.

Respectfully submitted,

By: _____

Mitchell J. Weinstein
Reg. No. 37,968

April 9, 2003
WELSH & KATZ, LTD.
120 South Riverside Plaza
22nd Floor
Chicago, Illinois 60606
Telephone: (312) 655-1500
Facsimile: (312) 655- 1501

CLAIMS MARKED-UP TO INDICATE CHANGES

16. (Amended) A corrosion-resistant coated and cured strap comprising: an elongated metal strap base element, the metal strap base element having a width defining first and second sides and a thickness defining a pair of opposing edge regions; and

a melted and cured powder coating on the base element, the coating having a first substantially consistent thickness at the first and second sides and a second substantially consistent thickness at the edge regions, the first and second thicknesses being different from one another, wherein the coating has a greater thickness at about the pair of opposing edge regions and about regions of the first and second sides adjacent the pair of opposing edge regions than on the first and second sides to define a dog-bone profile.

CLEAN SET OF ALL PENDING CLAIMS FOLLOWING
ENTRY OF THE PRESENT PRELIMINARY AMENDMENT

16. (Amended) A corrosion-resistant coated and cured strap comprising: an elongated metal strap base element, the metal strap base element having a width defining first and second sides and a thickness defining a pair of opposing edge regions; and

a melted and cured powder coating on the base element, the coating having a first substantially consistent thickness at the first and second sides and a second substantially consistent thickness at the edge regions, the first and second thicknesses being different from one another, wherein the coating has a greater thickness at about the pair of opposing edge regions and about regions of the first and second sides adjacent the pair of opposing edge regions than on the first and second sides to define a dog-bone profile.

20. The corrosion-resistant strap in accordance with claim 16 wherein the first thickness of the coating is about 0.2 thousandths of an inch to about 5.0 thousandths of an inch.

21. The corrosion-resistant strap in accordance with claim 20 wherein the first thickness of the coating is about 0.6 thousandths of an inch to about 1.2 thousandths of an inch.

22. The corrosion-resistant strap in accordance with claim 21 wherein the first thickness of the coating is about 0.8 thousandths of an inch.